

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of this response. Claims 1-20 are currently pending in connection with the present application. Of those, claims 1-6, 11, 13, and 16-18 have been amended. Claim 1 is the sole independent claim.

## **PRIORITY DOCUMENTS**

Applicant acknowledges and thanks the Examiner for the acknowledgement of Applicant's claim for priority under 35 U.S.C. §119 and the indication that all certified copies of the necessary priority documents have been received.

## **INFORMATION DISCLOSURE STATEMENT**

Applicants acknowledges and thanks the Examiner for the careful consideration of all of the references cited in the Information Disclosure Statement filed January 22, 2002, as indicated by the Examiner's signature on the Form PTO-1449.

## **DRAWINGS**

Applicant notes that the Examiner has not indicated the status of the drawings filed October 22, 2001. As such, Applicant respectfully requests that the Examiner indicates status of the drawings in the next PTO correspondence.

**REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

Claims 1-20 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. More specifically, with regard to FIG. 2 and the corresponding description thereof (see, for example, paragraph [0024] of the Substitute Specification), the Examiner submits that the term "actual costs" is allegedly unclear because "actual costs are costs actually incurred, and are not obtained from a theoretical computer model" (see page 2 of the outstanding Office Action).

Initially, although Applicant does not necessarily agree with the Examiner's assertion, in an effort to expedite prosecution of the present application, Applicant has amended the Substitute Specification taking into account the suggestions and comments made by the Examiner. Accordingly, Applicant respectfully submits that the present application is in accordance with 35 U.S.C. §112 1<sup>st</sup> Paragraph.

Further, Applicants note that the present application is the National Phase of International Application No. PCT/DE00/01104, filed on April 10, 2000, which was originally written in German and translated into English. As such, Applicants respectfully submit that all such amendments made to the Substitute Specification have been made for no other reason than to improve on a previous translation, and do not add new matter.

Further still, somewhat similar to the amendments made to the Substitute Specification, Applicants have amended claims 1-6, 11, 13, and 16-

18 taking into account the Examiner's suggestions and comments. Applicants submit that all such amendments to claims 1-6, 11, 13, and 16-18 have not been made to overcome any prior art rejection and have been made for no other reason than to put claims 1-6, 11, 13, and 16-18 more in accordance with United States Patent and Trademark Office Practice and Procedure.

Thus, in view of the above, Applicant respectfully requests that all rejections under 35 U.S.C. §112, 1<sup>st</sup> paragraph be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Similar to that as discussed above, although Applicant does not necessarily agree with the Examiner's allegation, Applicant has amended claims 1-6, 11, 13, and 16-18, taking into account the Examiner's suggestions and comments. Further, Applicant respectfully submits that all such amendments made to claims 1-6, 11, 13, and 16-18 have not been made to overcome any prior art rejection and have been made for no other reason than to put claims 1-6, 11, 13, and 16-18 more in accordance with proper United States Patent and Trademark Office Practice and Procedure.

Accordingly, Applicant respectfully requests withdrawal of all rejections under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph.

## ***AN EXAMPLE EMBODIMENT OF THE PRESENT INVENTION***

In an example embodiment of the present invention, an operating state of respective components 11.1-11.6 (within an installation 10) may be reported to a process control system (PCS) 18 via status messages 17.1-17.6. The PCS 18 may then send information (e.g., the status messages 17.1-17.6) to a computer model 20. The computer model 20 may receive the information from the PCS 18 and may determine costs arising in one or more of the components 11.1-11.6 using a theoretical model of the installation 10. The computer model 20 may pass the determined costs (and/or the status messages 17.1-17.6) to a proposal system 25, which may determine one or more proposals for improving the cost effectiveness of the installation 10. The one or more determined proposals may be displayed on an input/output unit 21.

## ***PRIOR ART REJECTIONS***

### ***Rejections under 35 U.S.C. §102(e)***

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Kumagai (U.S. Patent No. 6,496,957). Applicant respectfully traverses this rejection.

On page 4 of the outstanding Office Action, the Examiner relies upon FIGs. 2 and 6 of Kumagai for allegedly teaching "calculating assembly costs for each operation and calculating differences between actually costs and stored costs for the operation" (see page 4 of the outstanding Office Action). However, Applicant respectfully disagrees with the Examiner's conclusion.

FIG. 6 of Kumagai discloses a multiple step trial and error circuit design evaluation method. In the method illustrated in FIG. 6 (of Kumagai), a circuit design and component selection are executed based on a specifications of a system in which the circuit is to be used (step 102). Subsequently, the differences between the executed circuit design and component selection and a target circuit design and target component selection, respectively, are numerically evaluated. The target circuit design and the target circuit component selection are determined for quality improvement and cost reduction of mounting or assembling electronic components on a circuit board.

However, Applicant respectfully submits that Kumagai fails to teach or suggest determining costs taking into account "earnings from delivery of a final product", as now set forth in claim 1. In fact, Kumagai is silent with regard to any "earnings", let alone, "earnings from delivery of a final product", as now set forth in claim 1. Instead, the method of Kumagai, at most numerically evaluates differences in an executed design and a target design for improving cost effectiveness of the assembly of the circuit without taking into account any "earnings", as set forth in claim 1. Accordingly, Applicant respectfully submits that Kumagai fails to teach or suggest all of the limitations as set forth in claim 1.

With regard to claims 2-20, Applicant respectfully submits that claims 2-20 are also allowable for at least the reasons discussed above with regard to independent claim 1.

As such, Applicant respectfully requests withdrawal of the above rejection.

***RELEVANT PRIOR ART CITED BY THE EXAMINER***

Applicant further submits that none of the relevant prior art cited by the Examiner teaches or suggests all of the limitations set forth in claims 1-20.

For example, Cantley (U.S. Patent No. 4,325,223) is directed to a system and method for managing energy in large refrigeration systems. In the system of Cantley, a signal processor receives signals from sensors and feeds a digital computer, which includes a memory for storing system design parameters and refrigerant characteristics. The digital computer calculates instantaneous system operating parameters from the digital signals, compares these parameters to design parameters, and operates control relays to load and unload compressor maintaining optimum system pressures. However, Applicant respectfully submits that while Cantley may arguably operate system parameters to minimize costs, Cantley does not determine cost values taking into account "earnings from delivery of a final product", as set forth in claim 1.

Further, by even a cursory review of each of Lino (U.S. Patent No. 5,347,446) or Shakespeare (U.S. Patent No. 6,272,440), Applicant respectfully submits that neither of these documents, either alone or in combination with one another, or in combination with any of the other documents cited by the Examiner, teaches or suggests all of the limitations as now set forth in claim 1.

Accordingly, Applicants respectfully request allowance of all of pending claims 1-20.

## **CONCLUSION**

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

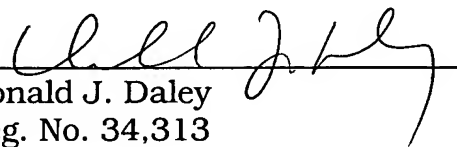
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application, and the required fee of \$120.00 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By   
Donald J. Daley  
Reg. No. 34,313

DJD/AMW:jcp



P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000